

### Remarks

Applicants appreciate the recognition of patentable subject matter in the present application.

Applicants respectfully submit that the Office Action is incomplete inasmuch as no rejections have been presented against claims 11 and 41 and such claims have not been indicated to be allowable. Applicants respectfully request issuance of a new Action which restarts the period of response and which properly indicates claims 11 and 41 as being allowable or details of any rejections presented against such claims so Applicants can properly respond.

Claims 9, 10, 12, 18, 19, 22-25, 29, 30, 40, 42, 43, 45, and 47 stand rejected under 35 USC 102(b) for anticipation by U.S. Patent Publication No. 2002/0024586 A1 to Nakatsuka et al. Claims 14, 15, 17, 18, 20, 21, 22, 27, and 28 stand rejected under 35 USC 102(b) for anticipation by U.S. Patent No. 5,986,687 to Hori. Claims 9 and 26 stand rejected under 35 USC 103(a) for obviousness over Nakatsuka in view of U.S. Patent No. 6,198,497 to Luque.

Claims 11 and 41 are pending but the Office Action mailed March 21, 2008 fails to provide any indication that such claims are allowable and fails to set forth any rejections of such claims over the prior art.

Applicants respectfully assert that the Office Action clearly fails the regulatory mandate of 37 CFR 1.104(a)(1) that the "examination be complete with respect both to compliance of the application . . . with the applicable statutes and rules and *to the patentability of the invention as claimed.*" (Emphasis added). Further, 37 CFR 1.104(b) provides that "the examiner's action will be complete as to all matters." 37 CFR 1.104(c)(2) states that in rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. However, no references have been cited against claims 11 and 41 and such claims have not been indicated to be allowable.

MPEP §706.07 (8<sup>th</sup> ed., rev. 6) states that "the examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal."

Applicants respectfully request issuance of a new Office Action which

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properly addresses claims 11 and 41 in accordance with the above-mentioned sections of the CFR and MPEP so Applicants may properly respond during the prosecution of the present application.


Furthermore, Applicant respectfully requests restarting of the period of response so Applicants may appropriately consider any rejections of claims 11 and 41 (if presented) and respond.

Applicant respectfully requests allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,  
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By: \_\_\_\_\_

  
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